

Application Serial No.: 09/769,526

Attorney Docket No.: 52493.000133

REMARKS

Claims 1-5, 7-11, 13-17, 19-23 and 24 are pending in this application. By this Amendment, claims 1, 7, 9-11 and 13 are amended to further define Applicant's claimed invention and for clarity. Claim 24 is added to further recite Applicant's claimed invention.

No new matter is entered by this Amendment.

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.¹

A. The Communication with Examiner Vyas

Applicant appreciates the courtesies extended by the Examiner in the telephone conference of March 22, 2011. Applicant confirms the substance of the telephone conference as set forth in paragraph 5 of the Office Action.

B. The Indication of Allowable Subject Matter

In paragraph 5, the Office Action indicates that claims 1-23 are allowable if amended to overcome the rejections under 35 U.S.C. 101 and 35 U.S.C. 112. Based on the amendments set forth herein, Applicant respectfully submits that claims 1-23 are allowable.

Claim 24 is added. Claim 24 corresponds substantially to pending claim 1, except Applicant has revised clauses therein. The Examiner is respectfully requested to consider new claim 24.

¹ As Applicant's remarks with respect to the rejections in the Office Action are sufficient to overcome such rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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C. The 35 U.S.C. 112 Rejection

In the Office Action, claims 1-23 are rejected under 35 U.S.C. 112, second paragraph. The Office Action asserts the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action sets forth asserted basis for the 35 U.S.C. 112 rejection.

In response to the comments set forth in the Office Action, to further clarify the claimed invention, and in order to expedite prosecution of the present application, the rejected claims are amended to more clearly satisfy the requirements of 35 U.S.C. 112.

Withdrawal of the 35 U.S.C. 112 rejection is requested.

D. The 35 U.S.C. 101 Rejection

In the Office Action, claims 1-23 are rejected under 35 U.S.C. 101. The Office Action asserts the claims are directed to non-statutory subject matter. The Office Action sets forth asserted basis for the 35 U.S.C. 101 rejection.

In response to the comments set forth in the Office Action, to further clarify the claimed invention, and in order to expedite prosecution of the present application, the rejected claims are amended to more clearly satisfy the requirements of 35 U.S.C. 101.

Withdrawal of the 35 U.S.C. 101 rejection is requested.

E. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact

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Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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